HIGH COURT OF CHHATTISGARH, BILASPUR

M.A. (C).No. 66 of 2006

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Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant Claimant	:		Saiyyad Riyaz, S/o Saiyyad Imamul Haq, Aged about 18 yrs., R/o Abhanpur Basti, P.S. Abhanpur, Distt. raipur
			Versus
Respondents Non-applicants	:	1.	Farid, R/o M.S.Service Station Telibandha, Raipur, Rah. & Distt. Raipur (C.G.)
	:	2.	Mohammad Hadis S/o Husaini Saudagar, R/o M.S.Service Station, Telibandha, Raipur, Tah. & Distt. Raipur (C.G.)
	:	3.	The New India Insurance Co. Ltd. Branch Manager, Branch Raniganj, By Divisional Manager, Divisional Office, Kachahari Chowk, Jail Road, Raipur (C.G.)

Miscellaneous Appeal Under Section 173 of the Motor Vehicles Act,1994

Present:
Shri S.C.Verma, counsel for the appellant.
Shri Sudhir Agrawal, counsel for respondent No.3/Insurance-Company.

ORAL ORDER
(Passed on 10.8.2007)

Heard.

2. Being aggrieved by the award dated 13.12.2005 passed in Claims Case No.44 of 2005 by 10th Motor Accidents Claims Tribunal, Raipur (henceforth, 'the M.A.C.T.) whereby a sum of Rs.39,482/- has been awarded towards compensation, the appellant/claimant has preferred this appeal for enhancement.

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3. During the course of arguments, a settlement was arrived at amicably between the appellant and the insurance-company whereunder the learned counsel for the respondent/insurer agreed to pay an additional sum of Rs.10,000/- over and above the amount awarded by the M.A.C.T. within one from today. This was agreed by the learned counsel for the appellant.

4. In view of the amicable settlement arrived at between the appellant and the insurance-Company, the award passed by the M.A.C.T. is modified and compensation awarded by the learned M.A.C.T., Raipur in claim case No. 44 of 2005 is enhanced to Rs.49,482 /-. After adjusting the amount already deposited, the remaining compensation shall be deposited by the insurance-Company in the M.A.C.T. within one month from today, failing which, the respondent/insurance-company shall also be liable to pay interest @ 9% per annum from the date of application till realisation.

5. A copy of this order be sent to the M.A.C.T. forthwith. The M.A.C.T. shall on deposit of compensation ensure:

A. that the claimant/appellant is noticed to appear before the M.A.C.T., in person along with his pass book of an account in a nationalized bank,

B. that the pass books of the claimant is accompanied with the photograph duly verified by the bank and before issuance of cheque by the M.A.C.T., the name of holder and photograph are also verified.

C. that a direction is issued to the concerned bank not to release the amount in favour of any person, other than the claimant unless ordered by the M.A.C.T.

6. With the aforesaid directions, the appeal stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge